

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

FILED
DEC 6 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States of America,

Plaintiff,

v.

Smith, Wall, Keller, McMillan

Defendant.

Case No. CR 12-mj-71211


STIPULATED ORDER EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT

For the reasons stated by the parties on the record on Dec. 6, 2012, the Court excludes time under the Speedy Trial Act from Dec. 6, 2012 to Jan 7, 2013 and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). The Court makes this finding and bases this continuance on the following factor(s):

- ____ Failure to grant a continuance would be likely to result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i).
- ____ The case is so unusual or so complex, due to [check applicable reasons] ____ the number of defendants, ____ the nature of the prosecution, or ____ the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by this section. See 18 U.S.C. § 3161(h)(7)(B)(ii).
- ✓ Failure to grant a continuance would deny the defendant reasonable time to obtain counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- ____ Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, given counsel's other scheduled case commitments, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- ✓ Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).


IT IS SO ORDERED.

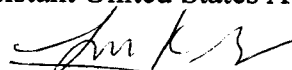
DATED: 12/6/12


LAUREL BEELER
United States Magistrate Judge

STIPULATED: _____
Attorney for Defendant


Assistant United States Attorney


Edwin Prather
Attorney for Richard Smith


Zuma Gilly 12.6.12

(Subst Hanlon agreed
on record)